



PRELIMINARY AMENDMENT

Serial Number: 09/850,153

Filing Date: May 8, 2001

Title: STABILIZATION PROCESS FOR COMBINING ETHYL ALCOHOL AND ICE CREAM

Page 1

Dkt: 1003.001US2

S/N 09/UNASSIGNED

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Daryl J. Orris et al.

Examiner: C. SHERRER

Serial No.: 09/850,153

Continuation of 09/237,282

Group Art Unit: 1761

Filed: May 8, 2001

Docket: 1003.001US2

Title: **STABILIZATION PROCESS FOR COMBINING ETHYL
ALCOHOL AND ICE CREAM**

PRELIMINARY AMENDMENT AND RESPONSE TO PERSONAL INTERVIEW
BOX AMENDMENTS

Assistant Commissioner for Patents

Washington, D.C. 20231

RECEIVED

OCT 03 2001

Dear Sir:

This Preliminary Amendment is being filed in advance of any Office Action on the merits and follows a personal interview between Mark A. Litman and Examiner C. Sherrer on 8 May 2001, in which these issues were discussed with regard to USSN 09/237,282. The Declaration of Dr. David Smith submitted in the parent application is also enclosed herewith as part of the Official record of this Application.

IN THE CLAIMS

Please amend the claims as follows:

- 1) (AMENDED) A stabilizing ice cream mix blend comprising dairy product solids, thermoreversible gum, natural or synthetic digestible gum, and a gum which contributes to the formation of thermoreversible gel, whereby said stabilizing ice cream mix blend, [when] has been combined prior to a freezing process with both:
 - a) an ice cream mix formulation, and
 - b) subsequently with ethyl alcohol chilled to 40°F or less, which chilling stabilizes the ethyl alcohol in a stable ice cream type product.
- 6) (AMENDED) A method for stabilizing an ice cream composition containing ethyl alcohol comprising adding a stabilized ice cream additive blend comprising: